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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,175	10/03/2003	Terry L. Miller	03-308	2301

7590 05/10/2006

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EXAMINER
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PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/679,175

Applicant(s)

MILLER ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

After thoroughly considering the Remarks filed on April 18, 2006, the finality is hereby withdrawn and the prosecution is reopened for this patent application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Gullett (5,846,416).

Gullett teaches a filter assembly (10) comprising a center support (40, col. 5, lines 39-45) having a filter head attachment (30) at one end, a bowl attachment (21) at an opposite end, and a plurality of radial openings (53) disposed on the center support (40) and being located between the two ends, and a filter element (50) mounted on the center support (40). Gullett further teaches connecting means (200, col. 4, lines 27-29, lines 38-40, col. 5, lines 14-18) for connecting or engaging the two attachments to the center support. Gullett also teaches a method of servicing a filter comprising the steps of detaching the center support from the filter head, detaching the center support from the bowl, reattaching the center support to the bowl, and reattaching the center support to the filter head. It is inherently understood that once the filter element is removed from the center support, the filter element is cleaned or washed before being put back on the center support for servicing.

***Double Patenting***

Claims 1-11 are rejected on the ground of nonstatutory double patenting over claims 1-5 of U. S. Patent No. 6,481,580 B1 and over claims 1-8 of U. S. Patent No. 6,814,243 B2 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: A filter assembly having a center support with a head attachment at one end and a bowl attachment at the opposite end, a plurality of radial openings disposed on the center support between the ends, and a filter element mounted on the center support.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See MPEP § 804.

### ***Response to Arguments***

Applicant's arguments filed on April 18, 2006 have been fully considered but they are not persuasive.

Applicant argues that the cited prior art Mann does not disclose "a center support with a filter head attachment and a bowl attachment adjacent opposite ends via threaded attachment". The Examiner now drops the Mann reference and newly introduces Gullett as the primary reference under the 102(b) rejection to show a filter assembly (10) comprising a center support (40, col. 5, lines 39-45) having a filter head attachment (30) at one end, a bowl attachment (21) at an opposite end, and a plurality

Art Unit: 1724

of radial openings (53) disposed on the center support (40) and being located between the two ends, and a filter element (50) mounted on the center support (40), as claimed. Gullett further teaches connecting means (200, col. 4, lines 27-29, lines 38-40, col. 5, lines 14-18) for connecting or engaging the two attachments to the center support. Gullett also teaches a method of servicing a filter comprising the steps of detaching the center support from the filter head, detaching the center support from the bowl, reattaching the center support to the bowl, and reattaching the center support to the filter head, as claimed. It is inherently understood that once the filter element is removed from the center support, the filter element is cleaned or washed before being put back on the center support for servicing.

The Examiner also rejects claims 1-11 of this instant application via double patenting over claims 1-5 of U. S. Patent No. 6,481,580 B1 and over claims 1-8 of U. S. Patent No. 6,814,243 B2 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

Applicant's arguments with respect to claims 1-14 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Minh-Chau Pham**  
**Patent Examiner**  
**Art Unit: 1724**  
**May 8, 2006**